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BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

FILED/ACCEPTED

AUG 17 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 05-295
Table of Allotments,)
FM Broadcast Stations) RM-11280
(Cumberland, Kentucky;)
Weber City, Glade Spring and)
Marion, Virginia))

TO: Honorable Marlene H. Dortch
Secretary of the Commission

ATTN: Assistant Chief, Audio Division, Media Bureau

**REQUEST FOR EXPEDITED ACTION ON
PETITION FOR RECONSIDERATION**

JBL Broadcasting, Inc., licensee of FM Broadcast Station WVEK-FM, Cumberland, Kentucky (JBL), hereby respectfully submits this Request for Expedited Action on Petition for Reconsideration. In support whereof, the following is shown:

1. On July 13, 2007, JBL reported that Shawsville, Virginia Channel 273A applicants George S. Flinn, Jr. (File No. BP-19971022MC) and Grace Communications, L. C. (File No. BP-19971023ME) filed separate amendments to their respective applications on July 9, 2007 to specify a common proposed transmitter site on Paris Mountain in Montgomery County, Virginia at NAD27 coordinates 37° 14' 47" North Latitude, 80° 19' 33" West Longitude, which is fully spaced to the

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continued operation of WOLD-FM, Marion, Virginia on its current channel, Channel 273A. These amendments eliminate the impediment to the immediate grant of the rulemaking proposal proffered by JBL-to wit, the change of channel at Glade Spring, Virginia to Channel 263A, the restoration of licensed status to WOLD-FM on its existing Channel 273A allotment at Marion, Virginia, and the relocation of Channel 274 from Cumberland, Kentucky to Weber City, Virginia and upgrade from Class A to Class C3 status.

2. Earlier this week, we learned from counsel for ASRadio, LLC, permittee of the unbuilt FM station at Glade Spring, Virginia, that ASRadio intends to construct its station on its current allocation of Channel 274A, regardless of the pendency of the current proceeding, even though ASRadio on September 7, 2006 filed comments in Docket 05-295 supporting JBL's petition. If the construction of the Glade Spring station on Channel 274A comes to pass, ASRadio will be in the position of having to pay the licensee of WOLD-FM for its reasonable and prudent expenses pursuant to the **Circleville, Ohio** doctrine. And, if this happens, and the allotment changes proposed in our case, MB Docket 05-295, are ultimately approved, JBL will be in the position of having to reimburse ASRadio for its reasonable and prudent expenses incurred in moving from Channel 274 to

Channel 263, as well as reimbursing WOLD-FM for a move back to Channel 273.

3. Since the impediment to the approval of the changes proposed by JBL has been removed, and since JBL's Petition has been pending now for over a year, it is respectfully requested that the public interest, convenience and necessity would be well served by an immediate grant of JBL's Petition for Reconsideration and immediate adoption of the changes to the FM Table of Allotments proposed in Docket 05-295. Immediate action will achieve the following, each in and of itself is a meritorious thing: (1) disruption of the operation of WOLD-FM, which has operated on Channel 273A since March 14, 1968¹; (2) saving ASRadio, LLC the substantial cost of having to reimburse WOLD-FM as the result of the channel change required by the allocation of Channel 274A at Glade Spring; and (3) saving JBL the substantial cost of having to both reimburse ASRadio, LLC and WOLD-FM as the result of relocating the newly built Glade Spring station from Channel 274 to Channel 263 and returning WOLD-FM to Channel 273.

¹Source: *Broadcasting & Cable Yearbook 2007*, p. D-532.

WHEREFORE, JBL Broadcasting, Inc. urges that this Request for Expedited Action **BE GRANTED**, that its Petition for Reconsideration **BE GRANTED**, and that Channel 274 **BE REALLOTTED** from Cumberland, Kentucky to Weber City, Virginia and upgraded to Class C3 status, and that the changes to the FM Table of Allotments at Glade Spring and Marion, Virginia proposed by JBL in Docket 05-295 **BE ALLOWED**.

Respectfully submitted,

JBL BROADCASTING, INC.

By



Dennis J. Kelly
Its Attorney

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August 17, 2007

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing "Request for Expedited Action" was served by first-class United States mail, postage prepaid, on this 17th day of August, 2007 upon the following:

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